

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

EDWIN GURULE as Personal Representative
of the ESTATE OF JERLYN YAZZIE; MARGIE
C. PIASO as Next Friend of N. CANALES-YAZZIE
and J. CANALES-YAZZIE, Minor Children,

Plaintiffs,

v.

Civ. No. 22-872 JCH/SCY

NISSAN MOTOR CO., LTD and NISSAN
NORTH AMERICA, INC.,

Defendants.

ORDER ADOPTING PROPOSED FINDINGS AND RECOMMENDATION

This matter is before the Court on Magistrate Judge Steven C. Yarbrough's May 15, 2024 Proposed Findings And Recommended Disposition ("PFRD"). Doc. 69. In that PFRD, Judge Yarbrough recommends that the Court grant the Joint Motion to Approve Settlement. *Id.* at 8. Judge Yarbrough notified the parties that they had 14 days from service of the PFRD to file any objections to the PFRD. *Id.* On May 16, 2024, the parties filed a joint notice indicating that they will not be filing objections to the PFRD. Doc. 70. Accordingly, the parties have waived their right to review of the proposed disposition. See *United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1060 (10th Cir. 1996). Furthermore, upon review of the PFRD, the Court concurs with Judge Yarbrough's findings and recommendation.

IT IS THEREFORE ORDERED THAT:

1. The Court ADOPTS Judge Yarbrough's Proposed Findings and Recommended Disposition (Doc. 69);
2. The Joint Motion to Approve Settlement (Doc. 61) is GRANTED;

3. All immunities and privileges available to the Guardian ad Litem, as articulated by the Tenth Circuit in *Dahl v. Charles F. Dahl, M.D., P.C. Defined Ben. Pension Tr.*, 744 F.3d 623, 630 (10th Cir. 2014), shall be extended to the Guardian ad Litem in this matter, and such Guardian ad Litem, Ernie Leger, shall be absolutely immune from any liability for his actions taken pursuant to this appointment, as his participation in this case was in furtherance of the judicial process, *Fuller v. Davis*, 594 F. App'x 935, 939 (10th Cir. 2014). He is hereby released from his duties; and
4. The parties shall submit closing documents within 30 days of the entry of this Order, subject to requests for reasonable extensions of time.

IT IS SO ORDERED.



SENIOR UNITED STATES DISTRICT JUDGE